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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

10 ***

11 YUNA CHOI, an individual;

12 Plaintiff,

13 vs.

14 STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, an Illinois
15 corporation; DOES I through X; and ROE
CORPORATIONS I through X;

16 Defendants.
17

CASE NO.: 2:20-cv-1329-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[FIFTH REQUEST]

18 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of
19 record, hereby stipulate and request that this Court extend discovery in the above-captioned case
20 forty-five (45) days, up to and including Thursday June 23, 2022. In addition, the parties request
21 that the all other future deadlines contemplated by the Discovery Plan and Scheduling Order be
22 extended pursuant to Local Rule. In support of this Stipulation and Request, the parties state as
23 follows:

- 24 1. On March 27, 2020, Plaintiff filed her Complaint in the Clark County District
25 Court, Nevada.
- 26 2. On June 10, 2020, Plaintiff served the Complaint on the Nevada Department of
27 Business and Industry, Division of Insurance.

3. On July 17, 2020, Defendant filed its Petition for Removal.
4. On July 30, 2020, Defendant filed its Answer to Complaint (pursuant to stipulation extension (ECF No. 7)).
5. On August 19, 2020, the parties conducted an initial FRCP 26(f) conference
6. On September 2, 2020, the Court entered the Stipulated Discovery Order.
7. On September 30, 2021, Defendant served its FRCP 26 Initial Disclosures on Plaintiff.
8. On October 23, 2020, Plaintiff served her FRCP 26 Initial Disclosures on Defendant.
9. On November 19, 2020, Defendant served written discovery on Plaintiff. Plaintiff served her responses on December 30, 2020.
10. On November 24, 2020, Plaintiff served written discovery on Defendant. Defendant served its responses on January 6, 2021.
11. On December 30, 2020, Plaintiff served her first supplement to her FRCP 26 Disclosures.
12. On March 29, 2021, Counsel conferred regarding tentative deposition topics for an FRCP 30(b)(6) witness deposition of Defendant.
13. On March 31, 2021, Defendant noticed its intent to serve records subpoenas on Plaintiff's treatment providers and employer.
14. On April 14, 2021, Defendant deposed Plaintiff.
15. On April 14, 2021, Defendant re-noticed its intent to serve records subpoenas on Plaintiff's treatment providers and employer, as an administrative oversight caused the subpoenas not to have been served after Defendant noticed its intent to serve them on March 31, 2021.
16. On May 14, 2021, Defendant served a supplement to its FRCP 26 Initial Disclosures containing medical records and bills it had received as a result of its records subpoenas.

- 1 17. On August 16, 2021, Defendant served its second supplement to its FRCP 26 Initial
- 2 Disclosures.
- 3 18. On August 31, 2021, Plaintiff underwent an Independent Medical Examination /
- 4 Rule 35 Examination pursuant to the terms and conditions of her subject car policy
- 5 with State Farm. This had been previously set for late July, but the provider had an
- 6 unanticipated scheduling issue and the examination had to be postponed.
- 7 19. On September 27, 2021, Defendant served its third supplement to its FRCP 26
- 8 Initial Disclosures.
- 9 20. On September 27, 2021, Defendant served its Designation of Expert Witness.
- 10 21. On October 12, 2021, served its fourth supplement to its FRCP 26 Initial
- 11 Disclosures.
- 12 22. On October 21, 2021, Defendant served its first supplement to Designation of
- 13 Expert Witness.
- 14 23. On November 9, 2021, Defendant served its fifth supplement to its FRCP 26 Initial
- 15 Disclosures, which included almost 7,000 pages of documents and over a terabyte
- 16 of data.
- 17 24. Plaintiff's counsel served a Notice of FRCP 30(b)(6) witness deposition to
- 18 Defendant for February 18, 2022, but due to scheduling issues, this date is no
- 19 longer available.

20 **DISCOVERY REMAINING**

- 21 1. The parties will continue participating in written discovery.
- 22 2. Plaintiff will take the deposition of Defendant's FRCP 30(b)(6) witness and/or the
- 23 claims specialist.
- 24 4. The parties may take the depositions of any and all other witnesses garnered
- 25 through discovery.
- 26 5. The parties will designate initial expert witnesses.
- 27 6. The parties may designate rebuttal expert witnesses.
- 28 7. The parties may depose expert witnesses.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery.

The parties seek additional time to complete discovery for several reasons, none of which are for an improper purpose or for the purpose of delay. Primarily, the parties have encountered additional scheduling issues as to Plaintiff's deposition of Defendant's FRCP 30(b)(6) witness. Defense counsel continues to work through staffing resource issues and discovery disputes in that prevent the FRCP 30(b)(6) witness deposition from proceeding on February 18, 2022. Due to the significance of the anticipated FRCP 30(b)(6) witness testimony as it pertains to Defendant's handling of the subject UIM claim, said deposition needs to occur sufficiently in advance of the expert designation deadlines. Accordingly, the parties request a brief extension of the current discovery deadlines to allow the parties to complete their efforts to develop in full their respective cases in chief.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

This is the fifth request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Monday, May 9, 2022</i>	<i>Thursday June 23, 2022</i>
Deadline to Amend Pleadings or Add Parties	<i>Closed</i>	<i>Closed</i>

Scheduled Event	Current Deadline	Proposed Deadline
Expert Disclosure pursuant to FRCP26 (a)(2)	<i>Monday, March 14, 2022</i>	<i>Thursday April 28, 2022</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Tuesday, April 12, 2022</i>	<i>Friday May 27, 2022</i>
Dispositive Motions	<i>Monday, June 13, 2022</i>	<i>Thursday July 28, 2022</i>
Joint Pretrial Order	<i>Monday July 11, 2022</i>	<i>Thursday August 25, 2022</i> <i>(If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.)</i>

WHEREFORE, the parties respectfully request that this Court extend the discovery period by forty-five (45) days from the current deadline of May 9, 2022 up to and including June 23, 2022 and the other dates as outlined in accordance with the table above.

DATED this 17th day of February, 2022.

DATED this 17th day of February, 2022.

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MUTUAL AUTOMOBILE INSURANCE

COMPANY

ORDER

IT IS SO ORDERED.

Dated this 18th day of February, 2022.



UNITED STATES MAGISTRATE JUDGE